

(1) month. However, in the event that additional fees are due please charge any deficiencies or credit any overpayment to Deposit Account No. 50-0540.

REMARKS

Claims 1-55 are pending in this application. The Examiner has issued a restriction requirement under 35 U.S.C. § 121 as set forth below:

I. Claims 1-36, drawn to a catalyst and a process for its production, classified in class 502, subclass 174.

II. Claims 37-55, drawn to a process for the isomerization of hydrocarbons, classified in class 585, subclass 734.

Applicants hereby make a provisional election of Group I, claims 1-36 with traverse as set forth below. Applicants respectfully assert that the restriction is inappropriate and request a favorable reconsideration and withdrawal of the restriction requirement.

For example, one criterion for a restriction requirement is that there must be a serious burden on the Examiner to conduct a search and examination of the application. The Examiner must provide reasons and /or examples to support conclusions that the search and examination of the application would be a serious burden without a restriction requirement. MPEP § 803.

Applicants respectfully submit that no restriction requirement is necessary since the search and examination of the claims in Group I and II, both of which recite carbon nanostructures containing carbide and oxycarbide compositions and processes are related subject matter and entail conducting the same search and examination.

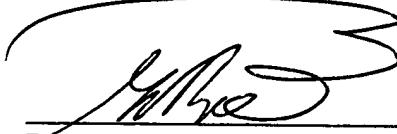
It is therefore submitted that a search of the prior art when examining the elected claims of Group I would, at the same time, result in a search of the prior art when examining the remaining claims of Group II. It would seem, then, that to require the filing of a separate divisional application directed to the Group II claims would result in the very same search being repeated, but at a later date. It is submitted that this duplicate search and analysis would be quite inefficient to the operation of the Patent and Trademark Office.

Therefore, since a single search can be performed for both Groups of claims without any significant burden on the Patent Office, it is respectfully requested that the restriction requirement be withdrawn.

Respectfully submitted,

KRAMER LEVIN NAFTALIS & FRANKEL LLP
Attorneys for Applicants

By:


Barry Evans, Reg. No. 22,802
Gerard Bilotto, Reg. No. P-51,474
919 Third Avenue
New York, New York 10022
Phone: 212-715-9100
Fax: 212-715-8000